

### Remarks

Claims 1-3 and 5-23 remain in the application. Claims 1,-3, 10, 12 and 16-23 are hereby amended. No new matter is being added.

#### Claim Rejections -- 35 U.S.C. 102

Claims 1-23 were rejected under 35 U.S.C. 102 as being anticipated by Fung (US Patent Application Publication No. 2002/0004912). This rejection is traversed with respect to the claims as now amended.

Claim 1 as amended now recites as follows:

1. A system for power management of a **rack of computers**, the system comprising:  
server side infrastructure (SSI) circuitry at each computer in the rack, the SSI circuitry including local monitoring circuitry coupled to a central processing unit (CPU) of the computer; and  
**a centralized power management module (CPMM) with an out-of-band management link to the SSI circuitry at each computer in the rack**, wherein the local circuitry at each computer in the rack monitors power consumption at the CPU and transmits power consumption data to the CPMM, and  
wherein the CPMM applies a set of rules to the power consumption data to determine when and at which computers to enable and disable a CPU power throttling mode.

(Emphasis added.)

Claim 1 is now limited to a system for power management of an entire **rack of computers**. The system includes a **centralized power management module (CPMM)**. The CPMM has a management link to the SSI circuitry **at each computer in the rack**.

Furthermore, the management link from the CPMM to each computer in the rack is an **out-of-band link**. As recited on page 5, lines 13-14 of the original specification, "In one embodiment, the management link 114 may comprise an out-of-band (OOB) link ...."

The out-of-band communications are advantageously separate from the in-band communications. For example, the out-of-band communications are not delayed by network congestion in the in-band network.

The CPMM 202 and the out-of-band management links 114 are depicted in FIG. 2, which is reproduced below for convenience.

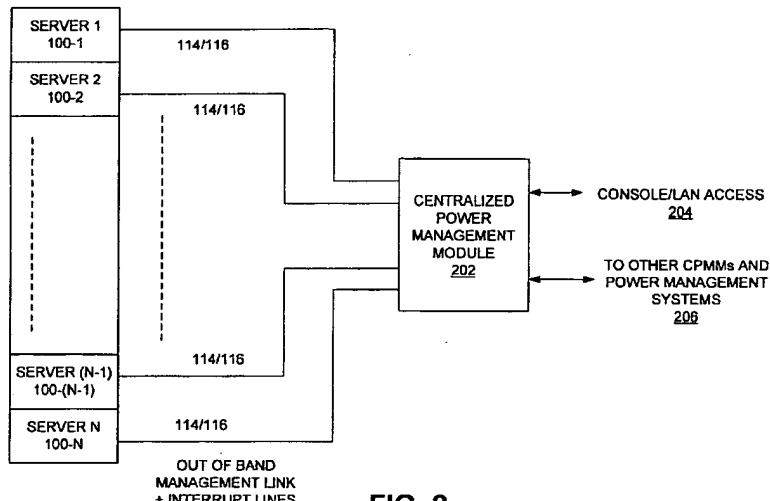


FIG. 2

In contrast to the claimed invention, Fung does not disclose or teach a **centralized power management module** which manages an entire **rack** of computers. Instead, Fung teaches the use of two management modules (MM) 53 per integrated server system unit 52 of the several units 52 in a rack 50. The use of a **multitude** of MM 53 units is illustrated in FIG. 1 of Fung, which is reproduced below for convenience. The claimed centralized power management module is highly different from the multiple MM 53 units of Fung.

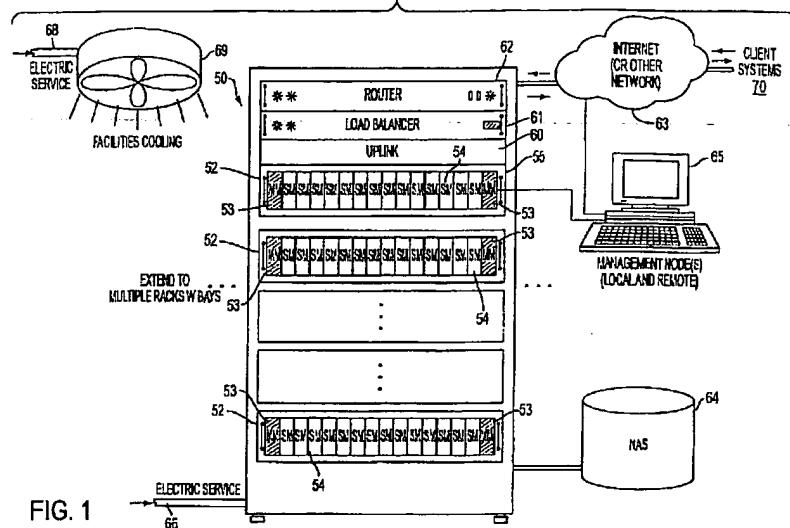


FIG. 1

Moreover, the MM units 53 of Fung communicate with the individual computers (server modules or SM 54) by way of **in-band** communications. This in-band communications is illustrated in FIG. 4 of Fung, which is reproduced below for convenience. As seen in FIG. 4, the computer nodes or server modules (CN or SM) of Fung communicate via in-band communications to a nearby management node (MN). Hence, the claimed **out-of-band** communications between the CPMM and the computers further distinguishes claim 1 over Fung.

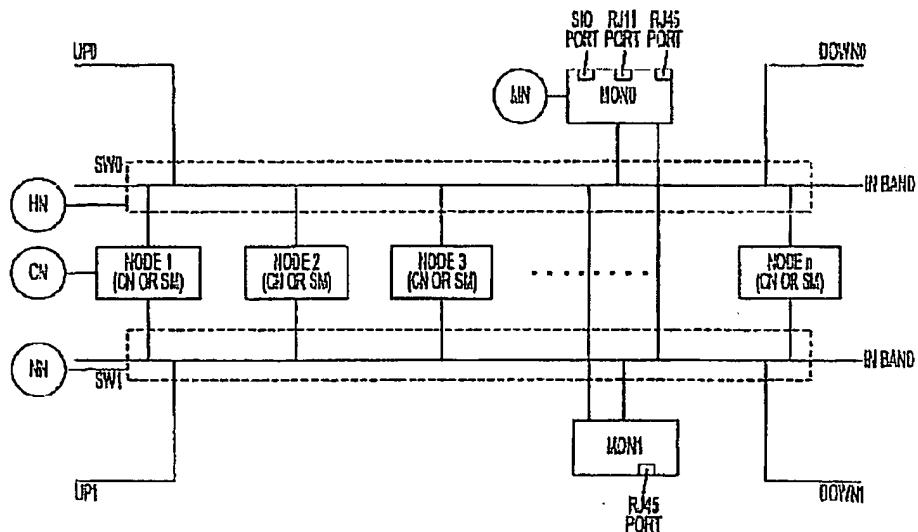


FIG. 4

Therefore, for at least the above-discussed reasons, applicants respectfully submit that amended claim 1 is now patentably distinguished over the cited art.

Claims 2-3 and 5-11 depend from claim 1. Hence, for at least the reasons discussed above in relation to claim 1, applicants respectfully submit that claims 2-3 and 5-11 are now also patentably distinguished over the cited art.

Claim 12 is amended similarly to claim 1 in that it now recites “a **centralized** power management system which is configured to manage power for a **rack** of computers” and “**out-of-band** management messages from the centralized power management system.” (Emphasis added.) Hence, for at least the reasons discussed above in relation to claim 1, applicants respectfully submit that claim 12 is now also patentably distinguished over the cited art.

Claims 13-15 depend from claim 12. Hence, for at least the reasons discussed above in relation to claim 12, applicants respectfully submit that claims 13-15 are now also patentably distinguished over the cited art.

Claim 16 is amended similarly to claim 1 in that it now recites “a **centralized** power management apparatus for a **rack** of computers” and “a management module coupled via an **out-of-band** link to local monitoring circuitry at each computer in the rack.” (Emphasis added.) Hence, for at least the reasons discussed above in relation to claim 1, applicants respectfully submit that claim 16 is now also patentably distinguished over the cited art.

Claim 17 is amended and now recites “transmitting power consumption data from each computer in the **rack** to a single **centralized** power manager.” (Emphasis added.) As discussed above, Fung does not disclose or teach this limitation. Hence, for at least this reason, applicants respectfully submit that claim 17 is now also patentably distinguished over the cited art.

Claim 18 depends from claim 17 and now recites “transmitting messages via an **out-of-band** link from the centralized power manager to local circuitry ....” (Emphasis added.) As discussed above, Fung does not disclose or teach this limitation. Hence, for at least this reason and the reason discussed above in relation to claim 17, applicants respectfully submit that claim 18 is now also patentably distinguished over the cited art.

Claim 19 depends from claims 17 and 18. Hence, for at least the reasons discussed above in relation to claims 17 and 18, applicants respectfully submit that claim 19 is now also patentably distinguished over the cited art.

Claim 20 is amended similarly to claim 1 in that it now recites “A **centralized** method for managing power consumption of a **rack** of computers” and “receiving power consumption data via an **out-of-band** link from local monitoring circuitry at each of the computers in the rack”. (Emphasis added.) Hence, for at least the reasons discussed above in relation to claim 1, applicants respectfully submit that claim 20 is now also patentably distinguished over the cited art.

Claim 21 depends from claim 20. Hence, for at least the reasons discussed above in relation to claim 20, applicants respectfully submit that claim 21 is now also patentably distinguished over the cited art.

Claim 22 is amended and now recites “A power management apparatus for managing power usage of a **rack** of computers.” (Emphasis added.) As discussed above, Fung does not disclose or teach this limitation. Hence, for at least this reason, applicants respectfully submit that claim 22 is now also patentably distinguished over the cited art.

Claim 23 depends from claim 22 and now recites that “the means for transmitting messages comprise **out-of-band** links to the local monitoring circuitry.” (Emphasis added.) As discussed above, Fung does not disclose or teach this limitation. Hence, for at least this reason and the reason discussed

above in relation to claim 22, applicants respectfully submit that claim 23 is now also patentably distinguished over the cited art.

Conclusion

For the above-discussed reasons, applicant believes that claims 1-3 and 5-23, as amended, are now patentably distinguished over the prior art. Favorable action is respectfully requested.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 08-2025.

Respectfully Submitted,

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